

191137

STATE OF SOUTH CAROLINA

(Caption of Case)

Motion for issuance of  
order approving bond

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2007-286-WS

(Please type or print)  
Submitted by: Ben Mustian  
Address: 930 Richland  
Columbia

SC Bar Number:  
Telephone: 803 252-3300  
Fax:  
Other:  
Email:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

Emergency Relief demanded in petition

Request for item to be placed on Commission's Agenda  
expeditiously

Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input checked="" type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW  
930 RICHLAND STREET  
P.O. BOX 8416  
COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
ELIZABETH ZECK\*  
RANDOLPH R. LOWELL  
BENJAMIN P. MUSTIAN  
M. McMULLEN TAYLOR

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

TRACEY C. GREEN  
SPECIAL COUNSEL

\*ALSO ADMITTED IN TX

March 3, 2008

RECEIVED  
2008 MAR -3 PM 4:34  
SC PUBLIC SERVICE  
COMMISSION

**VIA HAND-DELIVERY**

The Honorable Charles L.A. Terreni  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Application of Utilities Services of South Carolina, Inc. for adjustment of rates and charges and modifications to certain terms and conditions for the provision of water and sewer service; Docket No. 2007-286-WS

Dear Mr. Terreni:

Enclosed for filing please find the original and two (2) copies of Utilities Services of South Carolina, Inc.'s Motion for Issuance of Order Approving Bond in the above-referenced matter.

I would appreciate your acknowledging receipt of this document by date-stamping the extra copy that is enclosed and returning it to me via our courier delivering same. By copy of this letter, I am serving all parties of record and enclose my certificate of service to that effect. If you have any questions, or need additional information, please do not hesitate to contact us.

Sincerely,

**Willoughby & Hoefer, P.A.**



Benjamin P. Mustian

BPM/kwk

cc: Jeffrey M. Nelson, Esquire (via U.S. Mail first class)

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2007-286-W/S**

**RECEIVED**  
2008 MAR -3 PM 1:34  
SC PUBLIC SERVICE  
COMMISSION

IN RE:

Application of Utilities Services of South  
Carolina, Inc. for adjustment of rates and  
charges and modifications to certain terms  
and conditions for the provision of water  
and sewer service.

**MOTION FOR ISSUANCE OF ORDER  
APPROVING BOND**

Utilities Services of South Carolina, Inc. ("USSC" or "Applicant"), by and through its undersigned counsel, and pursuant to 26 S.C. Code Ann. Regs. R. 103-829 (2007), moves that the Commission issue an order approving a bond pursuant to S.C. Code Ann. § 58-5-240(D) (Supp. 2007). In support thereof would respectfully show unto the Commission as follows:

1. On August 6, 2007, USSC filed an Application seeking approval of a new schedule of rates and charges for water and sewer services it provides to customers in South Carolina. The Application sought an increase in annual service revenues of \$1,398,025.
2. The Company's proposed order in this docket, if adopted, would have resulted in additional revenues to the Company of \$772,965.
3. On February 11, 2008, the Commission issued its Order No. 2008-96 in which it denied and dismissed USSC's application. The Company received this order on February 12, 2008, and on March 3, 2008, USSC filed a Petition for Rehearing or Reconsideration with the Commission.
4. USSC requests that the Commission approve a bond pursuant to S.C. Code Ann. § 58-5-240(D) (Supp. 2007) in the amount of \$772,965 pending determination of the petition for

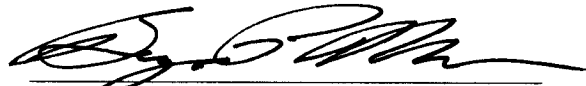
rehearing or reconsideration and any subsequent appeal. Attached hereto as Exhibit "A" is a proposed bond form to be executed by a surety company authorized to do business in this state. This figure represents the additional annual revenue which USSC would be entitled to earn if the Commission had approved the application with the adjustments and return on equity reflected in USSC's proposed order. USSC submits that, based upon the additional amount of revenues which would be generated had the Commission approved the requested increase with the agreed upon adjustments over a period of one year, a surety bond in the amount proposed is sufficient. USSC therefore requests that the Commission approve the attached bond form to be posted during any appeal by USSC in the event that the rates provided for in its proposed order are not approved as a result of the Company's petition for rehearing or reconsideration. USSC further requests that the Commission allow USSC to make any refunds required (if the rates put into effect are finally determined to be excessive) by crediting existing customers' bills.

5. USSC submits that, barring the approval of the proposed rates as a result of the Company's petition for rehearing or reconsideration, the issuance of an order approving its bond is appropriate and warranted in that it protects USSC's right to collect rates under bond under the aforementioned statute but at the same time poses no risk of harm to customers since any rates collected under bond will be subject to refund with interest in the event USSC's subsequent appeal is unsuccessful. USSC further submits that this Commission has granted such a motion in previous proceedings involving other water and sewer utilities. *See, e.g., Order No. 2007-230, April 5, 2007, Docket No. 2006-92-W/S, Application of Carolina Water Service, Inc.*

WHEREFORE, having fully set forth its motion, USSC moves the Commission for the issuance of an order a) approving the attached bond form to be conditioned upon the refund by

way of credits on existing customers' bills if the rates put into effect are finally determined to be excessive and (b) granting USSC such other and further relief as is just and proper, in the event that its pending motion for rehearing or reconsideration is not granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M.S. Hoefer", written over a horizontal line.

John M.S. Hoefer

Benjamin P. Mustian

**WILLOUGHBY & HOEFER, P.A.**

Post Office Box 8416

Columbia, South Carolina 29202-8416

803-252-3300

Attorneys for Utilities Services  
of South Carolina, Inc.

Columbia, South Carolina  
This 3<sup>rd</sup> day of March, 2008.

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2007-286-W/S**

IN RE:

Application of Utilities Services of  
South Carolina, Inc. for adjustment of  
rates and charges and modifications to  
certain terms and conditions for the  
provision of water and sewer service.

**BOND**

KNOW ALL PEOPLE BY THESE PRESENTS, that Utilities Services of South Carolina, Inc. as principal and \_\_\_\_\_ Insurance Company, a corporation under the laws of the State of \_\_\_\_\_, duly authorized to transact business in the State of South Carolina as surety, are held and firmly bound unto the customers of Carolina Water Service, Inc. affected by Order No. 2008-96 of the Public Service Commission of South Carolina, dated February 11, 2008, and any Order denying rehearing or reconsideration thereof, issued in the above-captioned proceeding, for the sum of seven hundred seventy two thousand nine hundred sixty five and No/100s Dollars (\$772,965.00) in lawful money of the United States of America, for payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Commission Orders under appeal are ultimately determined to be valid and enforceable, then, Utilities Services of South Carolina, Inc. hereby promises to refund amounts it has collected in

excess of the amounts finally determined to be correct under the appropriate rate schedules.

Any such refunds shall include interest as provided by law.

SIGNED, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**As to Principal**

Utilities Services of South Carolina, Inc.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
ATTEST:

\_\_\_\_\_  
Witness

**As to Surety**

\_\_\_\_\_  
Insurance Company

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

**WITNESS AS TO PRINCIPAL**

STATE OF \_\_\_\_\_

\_\_\_\_\_ County.

Before me, the subscribing Notary Public, personally appeared \_\_\_\_\_ and made oath that he/she saw the within named Utilities Services of South Carolina, Inc. Company represented by sign, seal, and deliver the within Bond, and that he/she with \_\_\_\_\_ subscribed their names as witness thereto.

Sworn to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
(L.S.)  
Notary Public

**WITNESS AS TO SURETY**

STATE OF \_\_\_\_\_

\_\_\_\_\_ County.

Before me, the subscribing Notary Public, personally appeared \_\_\_\_\_ and made oath that he/she saw the within named \_\_\_\_\_ Company represented by sign, seal, and deliver the within Bond, and that he/she with \_\_\_\_\_ subscribed their names as witness thereto.

Sworn to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
(L.S.)  
Notary Public

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2007-286-WS**

**RECEIVED**  
**2008 MAR -3 PM 4:35**  
**SC PUBLIC SERVICE**  
**COMMISSION**


IN RE:

Application of Utilities Services of  
South Carolina, Inc. for adjustment of  
rates and charges and modifications to  
certain terms and conditions for the  
provision of water and sewer service.

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of Utilities Services of South Carolina, Inc.'s **Motion for Issuance of Order Approving Bond** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Jeffrey M. Nelson, Esquire  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

  
\_\_\_\_\_  
Kristina W. Kusa

Columbia, South Carolina  
This 3<sup>rd</sup> day of March, 2008.